

MEMO ENDORSED**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 31, 2014

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BY ECF AND ELECTRONIC MAIL

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: United States v. Roberto Carlos De Jesus, et al.,
13 Cr. 438 (KPF)**

Dear Judge Failla:

At the request of the Court, the Government writes this letter to propose a new trial date in this matter. After next week, the Government expects that there will be three defendants remaining in this case: Manuel Gonzalez, Xiomar Mantilla, and Estefania Torres.

The Government has conferred with the Court and with counsel with for Mr. Gonzalez, and Mr. Mantilla, and would propose May 12, 2014 as the new trial date. This date is amenable to the Government and both counsel. The Government also understands based on discussions with counsel for Ms. Torres that due to medical issues, were Ms. Torres to go to trial in this case, she would be tried separately at a date to be decided.

In addition, the Government respectfully requests, with the consent of counsel for all defendants who have not pleaded guilty, that time be excluded between February 18, 2014 and May 12, 2014, to enable the parties to prepare for trial and to discuss potential dispositions. For these reasons, the ends of justice served by granting a continuance outweigh the best interests of

the public and the defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). A proposed order excluding time is enclosed herewith.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/ Russell Capone
Russell Capone
Assistant United States Attorney
(212) 637-2247

cc: All counsel (by ECF)

The trial in this matter is hereby ADJOURNED to May 12, 2014, at 9:00 a.m. The pre-trial conference in this matter is hereby ADJOURNED from February 5, 2014, to April 23, 2014, at 11:00 a.m. The Court will contact the parties closer to trial regarding the courtroom in which the pre-trial conference and trial will be held.

The parties are reminded that, as previously ordered, all in limine motions, and particularly any motions by the Government pursuant to Federal Rule of Evidence 404(b), shall be filed one month before the commencement of trial. Any responses or oppositions to such motions shall be filed no more than one week after the motions are filed.

The parties are further reminded that, as previously ordered, proposed voir dire questions and proposed requests to charge should be filed two weeks prior to the commencement of trial. The Government is reminded that, as previously ordered, it should turn over its exhibits and Jencks Act material one week prior to the commencement of trial.

Dated: January 31, 2014 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE